

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<hr/>	)	<b>MDL No. 1456</b>
<b>IN RE PHARMACEUTICAL INDUSTRY</b>	)	<b>Master File No. 01-12257-PBS</b>
<b>AVERAGE WHOLESALE PRICE LITIGATION</b>	)	
<hr/>	)	<b>Judge Patti B. Saris</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	
<b>State of California, ex rel. Ven-A-Care v.</b>	)	
<b>Abbott Laboratories, et al.</b>	)	
<b>01-cv-12257-PBS and 03-cv-11226-PBS</b>	)	
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**NOTICE OF VOLUNTARY DISMISSAL OF THE  
STATE OF CALIFORNIA'S CLAIMS AGAINST DEFENDANT McGAW, INC.**

Please take notice that, following execution of the stipulation attached hereto as exhibit A, Plaintiffs in the above-captioned matter hereby dismiss all claims against McGaw, Inc. without prejudice, pursuant to Fed. Rule Civ. Proc. 41(a)(1).

McGaw, Inc. has not served an answer or motion for summary judgment in the above-captioned case and, therefore, Plaintiffs' claims will be dismissed without order of this court, upon filing of this notice of dismissal.

Respectfully submitted,

BILL LOCKYER

Attorney General for the State of California

Dated:

7/20/06

By: 

NICHOLAS N. PAUL

CA State Bar No: 190605

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Dated: July 20, 2006

By: /s/ James J. Breen

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Attorneys for *Qui Tam* Plaintiff,

VEN-A-CARE OF THE FLORIDA KEYS, INC.

**CERTIFICATE OF SERVICE**

I, Nicholas N. Paul, hereby certify that on July 20, 2006, I caused a true and correct copy of the foregoing, **NOTICE OF VOLUNTARY DISMISSAL OF THE STATE OF CALIFORNIA'S CLAIMS AGAINST DEFENDANT McGAW, INC. and EXHIBIT "A"** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: July 20, 2006

/s/ Nicholas N. Paul  
NICHOLAS N. PAUL  
Supervising Deputy Attorney General